IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANE MOE,)
Plaintiff, -vs-))) Civil Action No. 20-1468)
KILOLO KIJAKAZI, ACTING COMMISSIONER OF SOCIAL SECURITY,)
Defendant.)

AMBROSE, Senior District Judge

MEMORANDUM ORDER

AND NOW, this 14th day of October, 2021, it is ordered that Plaintiff's Motion for Emergency Injunctive Relief [ECF No. 62] is DENIED. Plaintiff's Motion seeks relief other than review under 42 U.S.C. §405(g). See 42 U.S.C. § 405(g), (h) (expressly limiting federal court jurisdiction under the Social Security Act); Tobak v. Apfel, 195 F.3d 183, 186–87 (3d Cir. 1999) (noting that Section 405(g) provides for federal jurisdiction only over "any final decision of the Commissioner of Social Security made after a hearing to which [the claimant] was a party," and that Section 405(h) of the Act precludes judicial review of the "findings of fact or decision of the Commissioner of Social Security ... except as herein provided"). Specifically, Plaintiff requests that I issue an injunction ordering Defendant to stop SSDI payments on a new SSDI claim Plaintiff filed in 2021 while she awaits a decision on her "reconsideration appeal" of the SSA's decision on the 2021 claim. Because this Motion is not a request for judicial review of a final decision of the Commissioner after a hearing as required by Section 405(g), and it seeks an injunction as to a new claim and not the claim currently before this Court on appeal, the Court lacks jurisdiction to entertain Plaintiff's request.

IT IS SO ORDERED.

BY THE COURT:

/s/ Donetta W. Ambrose
Donetta W. Ambrose
United States Senior District Judge